

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIABERNARD A. HARDRICK,
Plaintiff,

v.

A. OLSEN, et al.,
Defendants.

Case No. 24-cv-00853 NC (PR)

ORDER OF TRANSFER

Plaintiff, who is a prisoner of the state of Michigan, filed a pro se civil rights complaint under 42 U.S.C. § 1983 against court officials for Wayne County and employees of the Michigan Department of Corrections (“MDOC”). Dkt. No. 1 at 2-3. Plaintiff alleges that Defendants have wrongfully taken money from his trust account in excess of the judgment against him. *Id.* at 8. In an accompanying letter, Plaintiff admits that the underlying acts are taking place within the U.S. District Court of Michigan, but that he is filing this matter in California in hopes that the Court will take supplemental or diverse jurisdiction. Dkt. No. 1-1. However, there is no clear basis to do so as all of the parties reside in the State of Michigan and all the underlying acts occurred in that state.

Because the acts complained of occurred in the State of Michigan, which lies within the venue of the United States District Court of Michigan, *see* 28 U.S.C. § 102, venue properly lies in that district and not in this one. *See* 28 U.S.C. § 1391(b). This Court has discretion to either dismiss the case for incorrect venue or transfer it to the proper federal court “in the interest of justice.” *See* 28 U.S.C. § 1406(a). The Court concludes that the

1 interests of justice are best served by the immediate transfer of this action to the United
2 States District Court of Michigan, the Eastern District. Dkt. No. 1 at 2.

3 Accordingly, this case is **TRANSFERRED** to the United States District Court of
4 Michigan, Eastern District. *See* 28 U.S.C. § 1406(a).

5 The Clerk shall terminate all pending motions and transfer the entire file to the
6 District Court in Michigan.

7 **IT IS SO ORDERED.**

8 **Dated:** February 23, 2024


NATHANAEL M. COUSINS
United States Magistrate Judge

United States District Court
Northern District of California

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